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EXTRAORDINARY

PART II Section 1

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**AJMER STATE GOVERNMENT**

**Law and Judicial Department**

*Ajmer, the 27th January 1955*

**No. 14/19/54-L&J.**—The following Bill is published under rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information.

2. It has received the sanction of the Chief Commissioner under section 23 and recommendation under section 24 of the Government of Part C States Act, 1951.

BILL No. 1 OF 1955

*A Bill to provide for the abolition of the intermediaries between the tillers of the soil and the State and the acquisition of their rights, title and interests and for measures of land reforms relating to land tenures consequent upon such abolition and acquisition.*

BE it enacted by the Legislative Assembly of the State of Ajmer in the Sixth Year of the Republic of India as follows:—

## CHAPTER I

**1. Short title, extent and commencement.**—(1) This Act may be called the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—(1) In this Act, unless the context otherwise requires:—

(i) "charitable purpose" includes relief of the poor, education, medical relief or the advancement of any other object

of general public utility, but does not include a purpose which relates exclusively to religious teaching, worship or service;

- (ii) "common land" means such plots of land in a village as vest in the village proprietary bodies and are not included in any Nijijot, khudkasht or tenancy holding;
- (iii) "Compensation Commissioner" means a person appointed by the State Government to perform the functions of a Compensation Commissioner under this Act;
- (iv) "Compensation Officer" means a person appointed by the State Government to perform the functions of a Compensation Officer under this Act;
- (v) "Estate" has the same meaning as is assigned to this expression in the Ajmer Land and Revenue Regulation, 1877 (II of 1877), and includes all rights in an estate, and also includes an Istimrari estate, Jagir, Bhoom, Muafi and areas of land held by a Biswedar, Khewatdar, Guzaredar, Minor Istimrardar or Non-Sandi Istimrardar recorded as such in the Record of Rights;
- (vi) "Grove" means any specific piece of land having trees planted thereon in such numbers that they preclude, or when full-grown will preclude, the land or any considerable portion thereof from being used primarily for any other purpose, and includes the trees standing on such land;
- (vii) "Guzara" means a fixed cash annuity or a specific area of land in any Istamrari estate granted in perpetuity or for the life time of the grantee for the maintenance, with or without consideration of the younger members of the grantor's family or his other relations or dependants;
- (viii) "Guzaredar" means a person who enjoys a Guzara;
- (ix) "Intermediary" means a holder of an estate whether as proprietor, under-proprietor or landlord and includes:
  - (a) an Istimrardar
  - (b) a Non-Sanadi Istimrardar
  - (c) a Minor Istimrardar
  - (d) a Jagirdar
  - (e) a Biswedar
  - (f) a Khewatdar
  - (g) a Bhoomia
  - (h) a Muafidar
  - (i) a Guzaredar holding land in lieu of his Guzara
  - (j) a proprietor
  - (k) a Usufructury mortgagee of proprietors' rights
  - (l) a Custodian of evacuee property under the Administration of Evacuee Property Act, 1950 (XXI of 1950).

- (x) "Land cultivated personally" with its grammatical variations and cognate expressions means land cultivated on one's own account by:
- (a) one's own labour; or
  - (b) by the labour of any member of one's family; or
  - (c) by servants on wages payable in cash or in kind but not in a share of the produce; or
  - (d) by hired labour under one's personal supervision or the personal supervision of any member of one's family; provided that in the case of a person who is a widow or a minor or is subject to any physical or mental disability or is a member of the armed forces of the Union, land shall be deemed to be cultivated personally even in the absence of such personal supervision;
- (xi) "Nominal Jama" means:
- (a) where settlement operations have taken place, the sum determined as such during the operations; and
  - (b) where settlement operations have not taken place, such sum as may be determined by the State Government in accordance with rules to be prescribed;
- (xii) "Notification" means notification published in the Official Gazette;
- (xiii) "prescribed" means prescribed by rules made under this Act;
- (xiv) "previous agricultural year" means the agricultural year immediately preceding the year in which the date of vesting falls;
- (xv) "proprietor" means the owner of an estate whether as a trustee or for his own benefit and includes the heirs and successors-in-interest of a proprietor;
- (xvi) "Record of Rights" means the Record of Rights prepared or maintained under the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), or under the Ajmer Land and Revenue Regulations, 1877 (II of 1977);
- (xvii) "religious purpose" includes a purpose connected with religious worship, teaching or service or with the performance of religious rites;
- (xviii) "standard acre" means:
- (a) one acre of irrigated land, or
  - (b) two acres of unirrigated land of any of the following classes:
    - (i) Abi,
    - (ii) Gormia,
    - (iii) Mal, or
  - (c) three acres of any other class of land not included in (a) or (b) above;
- (xix) "State" means the State of Ajmer;

- (xx) "State Government" means the President and includes the Chief Commissioner of Ajmer acting within the scope of the authority given to him under Article 239 of the Constitution;
- (xxi) "un-economic holding" means a holding of less than 8 standard acres;
- (xxii) "under-proprietor" means a person who holds land from any Istimrardar or Jagirdar in an Istimrari or Jagir estate who is recognised as a proprietor of the land held by him and who is recorded as an under-proprietor (Malik Adna) in the record of rights;
- (xxiii) "village" means any local area whether compact or otherwise recorded as a village in the Revenue Records prepared or maintained under the Ajmer Tenancy and Land Records Act, 1950, or the Ajmer Land and Revenue Regulations, 1877, and includes an area which the State Government may by notification declare to be a village;
- (xxiv) "village rate" means the rate fixed for a particular class of soil in the village during a Settlement or Rent Rate Operation under the Ajmer Tenancy and Land Records Act, 1950 or the Ajmer Land and Revenue Regulation, 1877 (II of 1877),

(2) Words and expressions not defined in this Act but defined in the Ajmer Tenancy and Land Records Act, 1950, or the Ajmer Land and Revenue Regulation, 1877, shall have the meanings respectively assigned to them in the said Act or Regulation.

(3) The General Clauses Act, 1898, shall apply for the interpretation of this Act as it applies for the interpretation of a Central Act.

**3. Act to over-ride other laws.**—Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law and rules for the time being in force or any instrument having effect by virtue of any law or usage, agreement, settlement, grant, Sanad or any decree or order of any court or other authority.

## CHAPTER II

### ABOLITION OF INTERMEDIARIES AND ACQUISITION OF THEIR RIGHTS

**4. Vesting of estates in the State.**—(1) As soon as may be after the commencement of this Act, the State Government may, by notification, declare that, as from date to be specified, all estates situated in the State and held by intermediaries shall vest in the State and as from the beginning of the date so specified, hereinafter called the date of vesting all such estates shall stand transferred to and vest, except as hereinafter provided, in the State free from all encumbrances.

(2) It shall be lawful for the State Government, if it so considers necessary, to issue from time to time the notification referred to under sub-section (1) in respect only of such class or classes of

estates as may be specified and all the provisions of sub-section (1) shall be applicable to and in the case of every such notification.

(3) In determining the order under which different classes of estates may be acquired under sub-section (2), the State Government shall have regard to the average size or income of the estates in any particular class, the class in which the average is higher being acquired before the class in which the average is lower.

**5. Collector to take over estates.**—Upon the publication of the notification under section 4, it shall be lawful for the Collector or any officer appointed by him in this behalf—

- (a) to take charge of any estate or part of an estate and of all interests vested in the State Government under the provisions of this chapter, and to take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of the Collector or the officer so appointed, be necessary for this purpose;
- (b) to enter upon any land, building or other place forming part of any estate acquired under the provisions of this chapter and make a survey or take measurements thereof or do any other act which he considers necessary for carrying out the purposes of this Act;
- (c) to require any person to produce to such authority as may be specified, any books, accounts or other documents relating to any estate or part thereof and to furnish to such authority such other information as may be specified or demanded; and
- (d) if the books, accounts and other documents are not produced as required, to enter upon any land, building or other place and seize and take possession of such books, accounts and other documents.

**6. Consequences of acquisition of estates.**—(1) As from the date of vesting of any estate, notwithstanding anything contained in any Sanad, contract, grant or other document or in any law, rule, regulation or order for the time being in force, but save as otherwise provided in this Act, the consequences as hereinafter set forth shall ensue in respect of such estate, namely—

- (a) the right, title and interest of the intermediary and of every other person claiming through him in the estate including waste or uncultivated or unoccupied lands, birs, forests, groves, hills, tanks, ponds, water courses or channels, ferries, quarries, pathways, village sites, hats, bazars and mela grounds and mines and minerals whether being worked or not, shall cease and be vested in the State Government free from all encumbrances;
- (b) all rights, title and interest created by the intermediary or his predecessor-in-interest in the estate shall as against the State Government, cease and determine;
- (c) all revenue, rents, cesses, local rates, sayar, grazing fees, royalties and other dues in respect of any holding or in

respect of any land leased by or on behalf of the intermediary for any purpose other than agriculture, in the estate, for any period after the date of vesting, which, but for the acquisition, would have been payable to an intermediary, shall vest in and be payable to the State Government and not to the intermediary and any payment made, in contravention of this clause shall not be valid discharge of the person liable to pay the same;

- (d) all dues described in clause (c) for the agricultural year in which the date of vesting falls recovered by the intermediary before the said date and by the State Government after the said date shall after deducting therefrom the expenses of collection at the rate of 10 per cent be reatably distributed between the intermediary and the State Government, the amount to be paid to each bearing to the total amount recovered during the agricultural year the same proportion which the period before the date of vesting or, as the case may be, the period after the said date, bears to the whole of the agricultural year;
  - (e) all arrears of revenue, cesses, royalties and other dues due from the intermediary in respect of the estate for any period prior to the date of vesting including any sum due from him under clause (d) and all loans advanced by the State Government or the Court of Wards to the intermediary shall continue to be recoverable from such intermediary and may, without prejudice to any other mode of recovery be realized by deducting the amount from the compensation payable to such intermediary under chapter III;
  - (f) the right, title and interest of the intermediary or any other person acquired under clause (e) shall not be liable to attachment or sale in execution of any decree or other process of any court, Civil or Revenue, and any attachment existing on the date of vesting or any order of attachment passed before such date shall, subject to the provisions of section 73 of the Transfer of Property Act, 1882, cease to be in force;
  - (g) subject to any rules made in this behalf under this Act, all suits and proceedings relating to the estate pending in any court at the date of vesting and all proceedings consequent upon any decree or order passed in any such suit or proceeding before such date shall be stayed.
- (2) Nothing contained in this section shall—
- (a) render the State Government liable for the payment of debts incurred by the intermediary before the date of vesting and the intermediary shall be personally liable for the payment of all such debts;
  - (b) operate as a bar to the recovery by the intermediary of any sum which is legally due to him by virtue of his rights in the estate in respect of any period prior to the commencement of the agricultural year in which the date

of vesting falls; provided that no decree for arrears of rent or order for ejectment in default of payment of arrears of rent shall be executed by ejectment of the judgment debtor from his holding;

- (c) affect any contract entered into before the 1st of June, 1952, between an intermediary and any other person in respect of any forest, fishery or quarry situated in the estate for the collection of forest produce or fish or stone from such forest, fishery or quarry, but the consideration in respect of the contract falling due after the date of vesting shall be payable to the State Government.

**7. Private lands, buildings, wells, house sites and other enclosures.**—(1) Notwithstanding anything contained in the last preceding section—

- (a) the intermediary shall continue to remain in possession of such khudkasht or Niji jot land as is in his personal cultivation on the date of vesting, to the extent and subject to the conditions and restrictions specified in chapter VI;
- (b) (i) all open enclosures used for agricultural or domestic purpose and in continuous possession of the intermediary or his predecessor-in-interest for a period of twelve years immediately preceding the date of vesting,
- (ii) all open house sites purchased for valuable consideration,
- (iii) all private buildings places of worship and wells situated in and trees standing on land included in such enclosures or house sites as are specified in sub-clauses (i) and (ii) above and all land appertaining to such buildings and places of worship,
- shall continue to belong to and be held by the intermediary;
- (c) all groves and orchards wherever situate, belonging to or held by any person including an intermediary, shall continue to belong to or be held by such person and the land on which such groves or orchards are situate, together with land appertenant to, shall be settled with such person by the State Government as a Bhumidhar thereof;
- (d) all trees, private wells and buildings in or on occupied land allotted under chapter VI to the intermediary or any other person shall continue to belong to such intermediary or other person.

(2) If any question arises whether any property is of the nature referred to in sub-section (1) it shall be referred to the Collector who after making such enquiry as he deems necessary, may make such orders thereon as he deems fit.

**8. Cancellation of certain leases.**—Where an intermediary has no or after the 1st day of June, 1952,

- (a) granted a lease of any land in the estate or any part thereof for any non-agricultural purposes other than mining for a period of three years or more; or
- (b) granted a lease or entered into a contract relating to any forest, fishery or quarry in his estate for a period of three years or more; or
- (c) granted a lease for the cultivation of any area of Bir or Pasturcor waste land which has never before been cultivated;

and the Collector is satisfied that such lease or contract was not made or entered into the normal course of management but in anticipation of legislation for the Abolition of Intermediaries, the Collector may subject to any rules made under this Act, by order in writing, cancel the lease or the contract as the case may be.

**9. Penalty for recovery of sum to which an intermediary is not entitled.**—(1) On and from the date of vesting, no intermediary shall recover or receive from any tenant or resident of the estate or from any contractor or lessee or other person, any revenue, rent, cess, sayar, grazing fee, royalty or other dues which he is not entitled to recover or receive under the provisions of this Act.

(2) Where any intermediary recovers any such dues in contravention of sub-section (1), he shall be liable to pay to the State Government, as penalty, such sum not exceeding Rs. 500 as the Collector may after making such enquiry as may be prescribed direct, and the Collector may further direct the refund of the amount wrongfully recovered to the State Government or other appropriate person.

(3) All sums recoverable under sub-section (2) shall be realized as arrears of land revenue.

### CHAPTER III

#### ASSESSMENT OF COMPENSATION

**10. Liability to pay compensation.**—(1) Subject to the other provisions of this Act, there shall be paid to every intermediary whose rights, title or interest in any estate are acquired under this Act, such compensation as shall be determined in accordance with the principles laid down in the Schedule.

(2) The compensation payable under this section shall be due as from the date of vesting and shall carry simple interest at the rate of  $2\frac{1}{2}$  per cent per annum from that date up to the date of payment;

Provided that no interest shall be payable on any amount of compensation which remains unpaid for any default of the intermediary, his agent or his representative-in-interest.

**11. Submission of statements of claim.**—(1) Every intermediary whose estate has been acquired under this Act shall within two months from the date of vesting, file in the prescribed form, a Statement of claim for compensation before the Compensation Officer.

(2) Every such Statement of claim shall contain the following particulars, namely:

- (i) the description of the estate and the full name of the intermediary and his place of residence:



- (ii) the date or year of the last Sanad, if any, under which he holds the estate;
  - (iii) the tenure of the estate whether, istimrari, Non-Sanadi Istimrari, minor istimrari, Jagir, Biswedari, Khevat-dari, Bhoom, Muafi, Guzara or as proprietor or usufructuary mortgagee;
  - (iv) the number and names of villages comprised in the estate together with the particulars of area and income of each such village on account of rents;
  - (v) the amount of the gross income of the estate with details of income from the various sources specified in the Schedule;
  - (vi) land revenue, cess, royalty and other dues which the intermediary pays to the State Government;
  - (vii) the amount of dues and debts recoverable from him under clause (e) of sub-section (1) of section 6;
  - (viii) the names of Guzaredars, if any, together with details about the cash annuity or the area of land enjoyed by each, and the gross income from the said area;
  - (ix) the names of co-sharers, if any, in the estate together with the particulars of the share of each co-sharers;
  - (x) the names of the under-proprietors, if any, in the estate together with the area held by each such under-proprietor and the various dues and their amounts which he pays to the intermediary;
  - (xi) the names of the usufructuary mortgagees, if any, in the estate together with the details of the area mortgaged and the amount of the mortgage money due to the mortgagee;
  - (xii) such other particulars as may be prescribed.
- (3) The intermediary shall give a list of the documents on which he relies in support of his statement of claim.
- (4) Every such Statement of Claim shall be signed and verified in the manner provided for the signing and verification of plaints in the Code of Civil Procedure, 1908.

**12. Determination of compensation and dues and other deductions.**—(1) On receipt of a Statement of claim under section 11, or if no such Statement is received within the period specified in that section, on the expiry of that period, the Compensation Officer shall, after such inquiry as he deems necessary, make a report to the Compensation Commissioner, and the Compensation Commissioner shall after making such further inquiry as he deems necessary, determine—

- (a) the total amount of compensation payable to an intermediary in accordance with the principles specified in the Schedule; and
  - (b) the amount recoverable from the intermediary under clause (e) of sub-section (1) of section 6.
- (2) A copy of the order made under sub-section (1) shall be served upon the intermediary and the Collector.

(3) The Compensation Commissioner shall after giving the Collector, the intermediary and any other interested person reasonable opportunity of being heard in the matter, make a final order.

**13. Communication of final order.**—The Compensation Commissioner shall communicate as soon as practicable, his final order made under sub-section (3) of section 12 to the Collector, to the intermediary and to the other interested persons.

**14. Dues and Deductions from the compensation amount of debts due from the intermediary.**—The amount recoverable from an intermediary under clause (e) of sub-section (1) of section 6 as determined under clause (b) of section 12 shall be deducted from the total compensation payable to the intermediary under section 10.

## CHAPTER IV

### PAYMENT OF COMPENSATION

**15. Payment of Compensation.**—(1) After the amount of compensation payable to an intermediary under section 10 is determined and the amount specified in clause (e) of sub-section (1) of section 6 is deducted therefrom, the balance of the compensation shall be divided into such number of annual instalments not exceeding twenty as may be prescribed.

(2) Where compensation under this Act is payable to—

- (a) a person whose estate is under the superintendence of the Court of Wards, the compensation money shall be paid to the Court of Wards;
- (b) a person suffering from a legal disability and whose estate is not under the superintendence of the Court of Wards, the compensation money shall be deposited in the Court of the District Judge and shall be disposed of in accordance with the directions of that Court;
- (c) a person who is a usufructuary mortgagee of the whole or any part of an estate from another intermediary mortgagor, the compensation money in respect of the mortgaged estate shall be paid to such mortgagee to the extent of the amount due to him on account of the mortgage; and the balance, if any, shall be paid to the mortgagor.

(3) The payment of compensation money to an intermediary and to other persons under sub-sections (1) and (2) shall not prejudice the rights to which any other person may be entitled, by due process of law, to enforce against the person to whom any amount has been so paid.

**16. Compensation money to be placed at the disposal of a Court or authority.**—Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the compensation determined under the foregoing provisions, the court or authority may require the Compensation Commissioner to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the orders of such court or authority.

**17. Interim compensation.**—(1) Where the compensation payable to an intermediary is not finally determined within the period of six months from the date of vesting, the State Government, shall, subject to such conditions (including a condition relating to the obtaining of security or indemnity bond) as may be prescribed, direct the payment to such intermediary of interim compensation which shall—

- (i) if no deductions are to be made as directed in section 14, be equal to 1/12th of the estimated amount of the compensation;
- (ii) if deductions are to be made as aforesaid, such amount as may be prescribed.

(2) The interim compensation payable under this section shall be paid within one year from the date of vesting and the amount of interim compensation so paid shall be deemed to be part of the compensation payable under this Act and shall be adjusted against the amount of compensation finally determined as payable to the intermediary under this Act.

**18. Payment of compensation in case of death of an intermediary.**—Where the intermediary who is entitled to receive any compensation under this Act dies before the full amount of compensation is paid to him, such amount of compensation as remains outstanding shall be paid to his legal representatives.

**19. Determination of question of title.**—If during the course of an enquiry by the Compensation Officer or Commissioner, any question arises in respect of any right, title or interest in the estate acquired under section 4, and such question has not been decided previously by a competent authority, the Compensation Commissioner shall, after holding such inquiry as he may deem fit, decide such question:

Provided that nothing in this section shall apply to any inquiry into any right, title or interest in respect of any property which is evacuee property within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

## CHAPTER V

### MINES AND MINERALS

**20. Working of mines to be governed by this chapter.**—Notwithstanding anything contained in this Act, the right to operate or work mines and to extract minerals therefrom shall, from the date of vesting, be governed by the provisions of this chapter.

**21. Mines worked by the intermediary.**—(1) With effect from the date of vesting, all mines comprised in the estate or estates acquired under this Act as were in operation on the date immediately preceding the said date and were being worked directly by the intermediary shall, if so desired by him, be deemed to have been leased by the State Government to the intermediary, and such intermediary shall be entitled to retain possession of those mines as a lessee thereof.

(2) The terms and conditions of the said lease by the State Government shall be such as may be agreed upon between the State

Government and the intermediary or, in default of agreement, as may be settled by a Mines Tribunal appointed under section 24:

Provided that all such terms and conditions shall be in accordance with the provisions of any Central Act for the time being in force regulating the grant of mining leases.

**22. Subsisting leases of mines and minerals.**—(1) Where immediately before the date of vesting of the estate or estates, there is a subsisting lease of mines or minerals comprised in the estate or estates or any part thereof, the whole or the part of the estate or estates comprised in such lease shall, with effect from the date of vesting, be deemed to have been leased, by the State Government to the holder of the said subsisting lease for the remainder of the term of that lease, and such holder shall be entitled to retain possession of the leasehold property.

(2) The terms and conditions of the said lease by the State Government shall, *mutatis mutandis* be the same as the terms and conditions of the subsisting lease referred to in sub-section (1):

~~Provided that nothing in this sub-section shall be deemed to prevent any modifications being made in the terms and conditions of the said lease in accordance with the provisions of any Central Act for the time being in force regulating the modification of existing mining leases.~~

(3) The holder of any such lease of mines and minerals as is referred to in sub-section (1) shall not be entitled to claim any damages from the outgoing intermediary on the ground that the terms of the lease executed by such intermediary in respect of the said mines and minerals have become incapable of fulfilment by the operation of this Act.

**23. Buildings and lands appertenant to mines.**—Where by virtue of section 21 or section 22 any lease of mines and minerals comprised in an estate or estates is deemed to be given by the State Government, all buildings and lands not included in such lease, whether comprised in that or any other estate or estates, which vest in the State by operation of this Act, and are in the use and occupation of the lessee for purposes connected with the working or extraction of the mines and minerals comprised in the lease, including the lands upon which any works, machinery, tramways or sidings appertaining to the mines are situate, shall be deemed to have been leased by the State Government to that lessee with effect from the date of vesting of the estate or estates, and the lessee shall be entitled to retain possession of all such buildings and lands subject to the payment of such fair and equitable ground rent as may be agreed upon between the State Government and the lessee, or in default of agreement, as may be fixed by a Mines Tribunal appointed under section 24.

**24. Mines Tribunal.**—(1) A Mines Tribunal appointed for purposes of section 21 to 23 shall consist of a Chairman who shall be the District Judge, Ajmer, and a member who shall be a mining expert to be appointed by the State Government.

(2) In settling the terms and conditions of a lease by the State Government under section 21 to 23 the Mines Tribunal shall have

power to determine the extent of the property deemed to have been leased by the State Government.

(3) The Tribunal shall follow such procedure as may be prescribed.

(4) If there is a difference of opinion between the Chairman and the member in regard to any matter, it shall be referred by the Chairman to the Judicial Commissioner and the decision of the Judicial Commissioner shall be binding on the Tribunal.

## CHAPTER VI

### MANAGEMENT OF LAND IN ESTATES ACQUIRED UNDER THIS ACT

**25. Application for allotment of land for personal cultivation.—**(1) Any intermediary whose estate has been acquired under this Act and every sub-tenant under an intermediary who has been in possession of *niji jot* or *khudkasht* land of the intermediary for three agricultural years or more immediately preceding the agricultural year in which the date of vesting falls, may within six months from such date apply to the Sub-Divisional Officer within whose jurisdiction such land or the major portion of such land is situate for the allotment to him of land for personal cultivation.

(2) An application under sub-section (1) shall be in such form as may be prescribed and shall contain the following particulars:—

- (a) description of the estate;
- (b) the date of vesting of the estate;
- (c) the total area of the estate under cultivation on the date of vesting;
- (d) the names of the co-sharers, *Guzaredars* and mortgagees, if any, in the estate and the extent of their interests;
- (e) the area of *niji jot* or *khudkasht* land under the personal cultivation of
  - (i) the intermediary on the date of vesting, or
  - (ii) a sub-tenant for less than three agricultural years immediately preceding the date of vesting, or
  - (iii) a sub-tenant for three agricultural years or more immediately preceding the date of vesting;
- (f) the area of cultivable waste land available in each village included in the estate;
- (g) such other particulars as may be prescribed.

**26. Enquiry by Sub-Divisional Officer.—**(1) On receipt of an application under section 25 the Sub-Divisional Officer shall issue notice to the applicant and other interested persons, if any, and after giving the parties an opportunity of being heard shall make an enquiry in the prescribed manner.

(2) After making the enquiry referred to in sub-section (1), the Sub-Divisional Officer may having due regard to the provisions of this chapter pass an order making allotment to the intermediary or the sub-tenant, as the case may be, of such land for personal cultivation as may be specified in the order.

(3) Where any land is allotted to an intermediary or a sub-tenant, as the case may be, for personal cultivation under sub-section (2) the Sub-Divisional Officer shall issue a lease to such intermediary or sub-tenant in such form as may be prescribed in respect of the land so allotted.

**27. Allotment of land for personal cultivation.**—An intermediary shall be allotted all *niji jot* or *khudkasht* land which he was cultivating personally in the previous agricultural year and also such other *niji jot* or *khudkasht* land as has been in the possession of sub-tenants for less than 3 years on the date of vesting:

Provided that the area of the land so allotted shall not exceed 40 standard acres.

(2) If any intermediary on the date of vesting has in his personal cultivation an area of *niji jot* or *khudkasht* land exceeding 40 standard acres, he shall be entitled to select out of the total area in his personal cultivation any contiguous area of 40 standard acres for being allotted to him.

(3) The intermediary shall deliver possession to the State Government of the excess area under sub-section (1).

(4) A sub-tenant under an intermediary shall be allotted such *niji jot* or *khudkasht* land of the intermediary as has been in the possession of the sub-tenant for three agricultural years or more on the date of vesting.

(5) An intermediary whose estate has been acquired under this Act and who at the date of vesting:

(a) does not hold any land for personal cultivation, or

(b) holds land for personal cultivation whether as *niji jot*, *khudkasht* or as a tenancy holding, anywhere in the State, and the total area so held by him is less than 8 standard acres (hereinafter described as "minimum area"),

shall be allotted, out of the available culturable land in any village included in the estate or elsewhere, so much area of land for personal cultivation—

(i) in a case falling under clause (a) above as is equal to the minimum area; and

(ii) in a case falling under clause (b) above as is equal, together with the area allotted under sub-section (1) to the minimum area:

Provided that the area of land allotted to any intermediary under this sub-section shall in no case exceed the area of the cultivated land in the estate held by him immediately before the date of vesting:

Provided further that if any intermediary has, on or after the first day of June, 1952 transferred or sublet any area of land held by him as *niji jot*, *khudkasht* or tenancy holding anywhere in the

State, the area so transferred shall be taken into account in determining the minimum area to be allotted to an intermediary under this section:

Provided also that if any land allotted to an intermediary under this sub-section is not cultivated personally by him within 3 years of the date of allotment, or ceases to be cultivated personally by him at any time thereafter, the Collector may, after holding such enquiry as is prescribed and after giving the intermediary a reasonable opportunity of being heard, direct that the land shall be deemed to have reverted to the State Government and on any such direction being issued the intermediary shall hand over possession of the land to the Collector or to such other person as the Collector may direct.

**28. Terms and conditions of land allotted or personal cultivation.**—(1) An intermediary to whom land has been allotted for personal cultivation under section 27 shall hold

- (i) all land, other than land in which hereditary rights do not accrue under section 23 of the Ajmer Tenancy and Land Records Act, 1950 as a *Bhumidhar* thereof under the provisions of this Act,
- (ii) all land in which hereditary rights do not accrue under section 23 of the Ajmer Tenancy and Land Records Act, 1950, as a *Kashtkar* thereof under the provisions of this Act,

and shall be liable to pay to the State Government rent assessed at the village rates for exproprietary tenants in respect of land settled as *Bhumidhar* under clause (i) above and for hereditary tenants in respect of land settled as *Kashtkar* under clause (ii) above sanctioned immediately before the date of vesting.

(2) A sub-tenant to whom land has been allotted for personal cultivation under section 27 shall be deemed to be

- (i) a *bhumidhar* of all land other than land in which hereditary rights do not accrue under section 23 of the Ajmer Tenancy and Land Records Act, 1950,
- (ii) a *kashtkar* of land in which hereditary rights do not accrue under section 23 of the said Act,

and shall be liable to pay to the State Government rent assessed at the village rates, sanctioned for hereditary tenants immediately before the date of vesting.

(3) A sub-tenant who has been in possession of land for less than 3 agricultural years before the date of vesting, shall continue to hold such land as a sub-tenant and shall be liable to pay to his land holder such rent as may have been agreed upon between him and his land holder subject to a maximum amount equal to the valuation of his holding at the village rates sanctioned for hereditary tenants plus 25 per cent thereof.

**29. Status of other persons or tenants holding land.**—(1) Every ex-proprietary, occupancy and hereditary tenant holding land on the date of vesting and every sub-tenant who has been in possession of

land for three years or more on the date of vesting and is entered as such in the records of rights shall be deemed to hold land as a *Bhumidhar* thereof.

(2) Every rent free-grantee or grantee at a favourable rate of rent shall be deemed to be *Bhumidhar* of such land as is in his personal cultivation immediately before the date of vesting.

(3) Every non-occupancy tenant shall be deemed to hold land as *kashtkar* thereof.

(4) All *Bhumidhars* and *Kashtkars* shall hold land directly from the State Government.

(5) (i) Ex-proprietary tenants, rent-free grantees and grantees at favourable rate of rent who hold land as *Bhumidhars* under this section shall be liable to pay rent directly to the State Government at the village rates fixed for ex-proprietary tenants.

(ii) Occupancy tenants who hold land as *Bhumidhars* under this section shall be liable to pay rent directly to the State Government at the village rates fixed for occupancy tenants.

(iii) All other persons who hold land as *Bhumidhars* and all *Kashtkars* shall be liable to pay rent directly to the State Government at the village rates fixed for hereditary tenants.

**30. Rights of *Bhumidhars*.—**(1) Subject to the provisions of subsection (2), the holding of a *Bhumidhar* shall be heritable and transferable.

(2) No *Bhumidhar* shall have a right to transfer by sale or gift or otherwise any land

(i) where, as a result of the transfer, he shall be left with a holding of less than the minimum area in the State;

(ii) to any person, other than an institution established for a charitable purpose or a co-operative farm, where such person shall, as a result of transfer, become entitled to land which together with land held by himself and members of his family as *Bhumidhars* will, in the aggregate, exceed 30 standard acres.

*Explanation.*—For the purposes of this section the members of a person's family means, if the family is living jointly, his wife or her husband and his or her minor children as the case may be, and where the person is a minor his or her parents.

**31. Priorities in case of sale by *Bhumidhar*.—**Where a *Bhumidhar* desires to transfer his holding or any part of it by sale, he shall offer it for sale first, to the tenant on the land, second, to a Co-operative Farm Society in the village, third to a co-sharer and fourth to an institution established for a charitable purpose, and if any of such persons does not accept the offer, he may offer it to any other person.

**32. Interest of *Kashtkars*.—**The interest of a *Kashtkar* shall be heritable but not transferable except with the permission in writing of the Collector.



**33. Consequent of transfer in contravention of this Act.**—(1) Where a transfer of any holding or part thereof has been made in contravention of this Act, the transferee shall, notwithstanding anything contained in any law, be liable to ejectment from such holding or part, by the Collector or an officer authorised by him in this behalf in the manner prescribed:

Provided that nothing in this sub-section shall affect the right of the transferee to recover the purchase money from the transferer by due process of law.

(2) On the ejectment of the transferee, so much of the land as is equivalent to the minimum area shall be restored to the possession of the transferer and such land as is in excess of the minimum area shall become vacant land and shall vest in the State.

**34. Transfers to be void.**—Any transfer made in contravention of the provisions of this Act shall be void.

**35. Restrictions on subletting.**—(1) Subject to the provisions of this Act no Bhumidhar shall sublet the whole or any part of his holding for a term less than five years;

(2) No Kashtkar shall sublet the whole or any portion of his holding;

(3) Nothing in sub-section (1) or (2) shall apply where the lessor is a female, a minor, a lunatic, an idiot, or a person incapable of cultivating by reason of blindness, or any physical infirmity, or service in the military, naval or air forces of India, or confinement in prison;

(4) The rent payable by a person to whom the land is sublet under this section shall be as may be agreed upon between the lessor and the lessee, provided, however, that it shall in no case exceed the rent payable by his land holders by more than 25 percent thereof;

(5) (i) The tenancy of a person to whom the land is sublet under this section by a person suffering from any of the disabilities mentioned in sub-section (3) shall be liable to termination when the disability determines.

(ii) Any dispute in respect of the existence or termination of any said disability shall be determined by the Sub-Divisional Officer.

(iii) The tenancy of a person to whom the land has been sublet under sub-section (1) or (3), may be terminated on any one or more of the following grounds:

- (a) that the lessee has failed to pay the rent for the year within fifteen days of the date fixed for the payment of the last instalment of rent by the lessor, or
- (b) that the lessee has done any act which is destructive of or permanently injurious to land,
- (c) that the lessee has further sublet the land or failed to cultivate personally, unless he is suffering from a disability,

- (d) that the lessee has used such land for a purpose other than agriculture,
- (e) that the lessor requires the land for his personal cultivation.

**36. Entries in record of Rights conclusive.**—Every entry in the Record of Rights shall, for purposes of assessment and payment of compensation under this Act, be deemed to describe correctly the rights, title and interest of every intermediary in the estate or part to which it relates:

Provided that any modification, alteration or correction made in the record of rights, whether before or after the date of vesting, under the provisions of the Ajmer Tenancy and Land Records Act, 1950, or as a consequence of any decree or order of any court, shall be taken into account by the Compensation Officer.

**37.** Nothing in this chapter shall apply to, or be deemed to confer any right or remedy on, any person who after the 15th day of August, 1947, has acquired possession of any estate or land which is evacuee property within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

## CHAPTER VII

### CO-OPERATIVE FARM

**38. Formation of a Co-operative Farm.**—Any six or more persons holding between them Bhumidhari rights in thirty acres or more in the village and desiring to start a co-operative farm, may apply in writing to the Registrar appointed under the Co-operative Societies Act, 1912, (hereinafter referred to as the Registrar) for the registration thereof.

**39. Application for registration.**—An application for the registration of a Co-operative Farm shall be accompanied by extracts from the record of rights showing the total area with the recorded numbers of all the fields offered by each of the applicants in the village and shall contain such further particulars as may be prescribed.

**40. Registration of the Co-operative Farm.**—(1) The Registrar may, if he is satisfied after such inquiry as may be prescribed that the application has been duly made, register the co-operative farm under the Co-operative Societies Act, 1912, and grant a certificate of registration.

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Collector for such action as may be prescribed.

(3) All persons who contribute land to a Co-operative farm registered under sub-section (1) shall be deemed to be members thereof.

**41. Land offered by a member to be transferred to the farm.**—When a Co-operative farm has been registered under section 40, all Bhumidhari land in the village offered by a member, shall, for so long as the registration of the co-operative farm is not cancelled, be deemed to be transferred to and held by the co-operative farm

which shall thereupon hold such land in accordance with the provisions of this Chapter, and may, notwithstanding anything contained in this Act, use it for any purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming.

**42. Formation of a co-operative farm of uneconomic holdings.—**Not less than two-thirds of the total number of persons other than those who have applied under section 39 holding Bhumidhari rights in uneconomic holdings in a village and holding between them not less than two-thirds of the aggregate area comprised in all uneconomic holdings in the village may apply jointly to the Collector that a co-operative farm be established, and on such application the Collector may, by notice, require all the Bhumidhars of the remainder of uneconomic holdings in the village to show cause why a co-operative farm comprised of all the land included in all the uneconomic holdings in the village be not established and constituted.

**43. Disposal of objections and service of the order.—**(1) The Collector shall hear the objection or objections of the holders of uneconomic holdings who may desire to be heard, and after hearing them he shall, unless he is satisfied that it is not in the best interests of the persons affected, order that a co-operative farm consisting of all the land comprised in all the uneconomic holdings in the village be established.

(2) Notice of an order passed directing a co-operative farm to be established shall be served on every person affected and shall also be proclaimed in the village in the prescribed manner.

**44. Registration of the co-operative farm of uneconomic holdings.—**(1) The Collector shall cause a copy of the order passed under section 43 directing that a co-operative farm be established to be forwarded to the Registrar, who may thereupon register the farm under the Co-operative Societies Act, 1912, and if he agrees to do so, shall grant a certificate of registration.

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Collector for such action as may be prescribed.

(3) All persons whose holdings are included in the Co-operative farm registered under sub-section (1) shall be deemed to be members thereof.

**45. Land in the uneconomic holdings to be transferred to the farm.—**When a co-operative farm has been registered under section 44 all land comprised in the uneconomic holdings held by any Bhumidhar or a sub-tenant under him shall, for so long as the registration of the co-operative farm is not cancelled, be deemed to be transferred to and held by the co-operative farm which shall thereupon hold such land in accordance with the provisions of this Chapter and may, notwithstanding anything contained in this Act use it for any purpose mentioned in section 41.

**46. Consequences of Registration.—**When a certificate of registration in respect of any co-operative farm has been granted under section 40 or 44 the provisions of the Co-operative Societies Act, 1912,

shall in so far as they are not inconsistent with the provisions of this Act or rules made thereunder, be applicable thereto.

**47. Bye-laws of the farm.**—Every application submitted under section 39 or 42 shall be accompanied with a copy of the proposed bye-laws of the co-operative farm and such bye-laws shall be deemed to be the bye-laws required to be filed under sub-section (3) of section 8 of the Co-operative Societies Act, 1912.

**48. Land contributed to the Farm to continue to vest in Bhumidhars thereof.**—Nothing in this Chapter shall be construed to mean that the interest of a Bhumidhar in the land contributed to the co-operative farm by or on his behalf has ceased to vest in him.

**49. Disposition of land contributed to the farm.**—(1) No member of a co-operative farm shall, except as provided in sub-section (2) be entitled to make any disposition of any land contributed by him to the farm.

(2) Every member of a co-operative farm, who is Bhumidhar of any land contributed by him to the co-operative farm may make a testamentary disposition of such land, and with the permission of the co-operative farm, any other disposition. Such permission shall not be withheld if the transferee is willing to join the farm.

**50. Rights, privileges, obligations and liabilities of members.**—Every member of a co-operative farm shall be entitled to such rights and privileges, be subject to such obligations and liabilities, and be bound to discharge such duties as may be conferred or imposed upon him by or under this Act.

**51. Liability on the farm to pay land revenue and other dues.**—The co-operative farm, shall, as from the date it is constituted, be liable for the payment of all the land revenue, cesses, local rates or rent payable by the Bhumidhars in respect of the land held by it under section 41 or 45.

**52. Admission of new members or heirs.**—(1) Any person, who is a resident of the village where the co-operative farm is situate or who intends to settle down in the village or who cultivates land therein, may be admitted as a member thereof upon such terms and conditions as may be laid down by the farm.

(2) When a member whose land is held by a co-operative farm, dies, his heirs shall be deemed to become members of the co-operative farm.

**53. Notwithstanding any provisions in this or any other Act to the contrary, where the land which is transferred or is deemed to be transferred to a co-operative farm under section 41 or 45, is under cultivation of a sub-tenant, the sub-tenancy shall be deemed to have terminated on the date of the registration of such farm.**

**54. Concessions and facilities for the Co-operative Farm.**—(1) A co-operative farm shall be entitled to such concessions and facilities as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision, the concessions and facilities may include:—

- (a) reduction of land revenue,
- (b) reduction of or exemption from any tax on agriculture,
- (c) free technical advice from experts employed by the Government on farming and use of mechanical aids,
- (d) financial aid and grant of subsidy loans with or without interest, including loans for purchase of agricultural machinery and other implements,
- (e) admission to land by the State,
- (f) priority in irrigation from State irrigation works, and
- (g) priority in consolidation proceedings.

## CHAPTER VII

### MISCELLANEOUS

**55. Appointment of the officers and authorities under this Act.**—The State Government may, by notification in the Official Gazette for the purposes of this Act, appoint;

- (a) a Compensation Commissioner, and
- (b) one or more Compensation Officers as may be necessary.

**56. Powers and duties of Compensation Commissioner and Officers.**—(1) The Compensation Commissioner shall perform such duties and exercise such powers of supervision and superintendence over the work of the Compensation Officers as may be prescribed.

(2) The Compensation Officer shall exercise the powers and perform the duties conferred or imposed upon them by or under this Act or the rules framed thereunder.

**57. Appeals against the orders of Sub-Divisional Officer.**—(1) Any person aggrieved by an order of the Sub-Divisional Officer under sub-section (2) of section 26 may, within thirty days from the date of communication of such order to him appeal to the Collector, whose decision thereon shall be final.

(2) The Court fee payable on a memorandum of appeal under sub-section (1) shall be one rupee.

(3) Any appeal referred to in this section or in section 57, 58 or 59 may be admitted after the period of limitation prescribed therefor by the said sections, when the appellant satisfies the appellate authority concerned that he had sufficient cause for not preferring the appeal within such period.

**58. Appeals against the orders of the Collector.**—(1) Any person aggrieved by an order of the Collector under sub-section (2) of section 7, section 8, sub-section (2) of section 9 or under the second proviso to sub-section (5) of section 27 or under section 43, may, within thirty days from the date of communication of such order to him, appeal to the Chief Commissioner whose decision thereon shall be final.

(2) The court fee payable on a memorandum of appeal under sub-section (1) shall be five rupees.

**59. Appeal against order of Compensation Commissioner.—**(1) The State Government or any person aggrieved by the decision of the Compensation Commissioner under section 12 or section 19 may, within ninety days from the date of communication of such decision appeal to the Judicial Commissioner whose decision thereon shall be final.

(2) The court fee payable on a memorandum of appeal under section (1) shall be five rupees.

**60. Delegation of power.—**The State Government may, by notification, delegate to any officer or authority subordinate to it, any of the powers conferred on it by this Act to be exercised subject to any restrictions and conditions as may be specified in the notification.

**61. Officers holding enquiries to have powers of civil courts.—**Any officer or authority holding an enquiry or hearing an appeal under this Act shall have the powers of a civil court under the Code of Civil Procedure, 1908, relating to—

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath;
- (c) production of documents;
- (d) issuing of commissions;

and every such officer or authority shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

**62. Powers to enter upon land and to make survey.—**Subject to any rules made under this Act in this behalf, any officer or authority holding an inquiry under this Act may, for the purpose of carrying out the provisions of this Act—

- (a) enter at any time upon the estate land along with such public servants as he may consider necessary;
- (b) make a survey or take measurement or do any other act on any estate land.

**63. Proceedings under the Act to be judicial proceedings.—**A proceeding before any officer or authority under this Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860.

**64. Persons acting under the Act to be public servants.—**All officers and persons acting under or in pursuance of the provisions of this Act or the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

**65. Costs.—**Any order for the payment of costs, made by any officer or authority under this Act, may be enforced in the same manner as if it were a decree for the payment of money passed by a competent revenue court.

**66. Mode of service of notice.**—Any notice or other document required to be served by or under this Act may be served—

- (a) by delivering or tendering it to the person on whom it is to be served; or
- (b) by sending it in a registered letter addressed to that person at his usual or last known place of abode; or
- (c) by delivering it to any male member of the family of such person or by affixing it, to some conspicuous part of the premises, where such person is known to have last resided or carried on business or personally worked for gain; or
- (d) in such other manner as may be prescribed.

**67. Right to inspection and copies of documents, statements and registers.**—All documents, statements and registers maintained under this Act or the rules made thereunder shall be open to inspection during such hours and subject to such conditions and payment of fees, if any, as may be prescribed and any person shall, on payment of such fees as may be prescribed be entitled to be furnished with a copy of the whole of any portion of such document, statement or register subject to such exceptions or restrictions as may be prescribed.

**68. Decision on question regarding forests.**—If any question arises whether any estate land is a bir or a forest or is situated in a bir or forest, or as to the limits of a bir or forest, it shall be determined by the Collector in such manner as may be prescribed.

**69. Estates or tenures under the management of the Court of Wards.**—Notwithstanding anything to the contrary in any law, the provisions of this Act shall apply to any estate or part thereof which is under the management of the Court of Wards or the State Government under any law for the time being in force, in the same manner as they would apply to any estate not under such management.

**70. Bar of jurisdiction of civil courts.**—(1) Save as otherwise provided in this Act no Civil or Revenue Court shall have jurisdiction to settle, decide, or deal with any question which is, by or under this Act, required to be settled, decided or dealt with by the State Government, the Sub-Divisional Officer, the Collector, the Compensation Officer or the Compensation Commissioner.

(2) Except as otherwise provided in this Act, no order of the State Government, a Sub-Divisional Officer, the Collector, a Compensation Officer or the Compensation Commissioner under this Act shall be called in question in any Court.

**71. Protection of action taken under the Act.**—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done, in pursuance of this Act, or any rules made thereunder.

(2) No suit, or other legal proceeding shall lie against the State Government, for any damage caused, or likely to be caused, or any

injury suffered or likely to be suffered by virtue of any provisions of this Act or by any thing in good faith done or intended to be done, under or in pursuance of this Act, or any rules made thereunder.

**72. Punishment for false statements.**—Any person who makes any statement in an application signed and verified by him under this Act which is false or which he either knows or has reason to believe to be false or does not believe to be true, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

**73. Review.**—The Chief Commissioner, the Judicial Commissioner or the Compensation Commissioner, may, either on his own motion or on application made, within such time as may be prescribed, by any interested party, review an order passed by himself or his predecessor in office and pass such order in relation thereto as he thinks fit.

**74. Sums to be payable out of the Consolidated Fund of the State.**—Compensation payable under this Act shall be a charge on and be payable out of the Consolidated Fund of the State.

**75. State Government to be a party in the proceedings under Chapters III and IV.**—(1) The State Government shall be and be deemed to be a party in every proceeding before the Compensation Officer or Commissioner under Chapters III and IV and every notice to be served or intended to be served, on the State Government may be served on the Collector.

(2) Notwithstanding anything contained in the said chapters or sections 56 or 57 the period of limitation for filing of any appeal by or on behalf of the State Government shall be ninety days from the date of the order appealed against.

**76. Powers to make rules.**—(1) The State Government may make rules for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the disposal of suits and proceedings relating to estates acquired under this Act pending in any Court and stayed under the Act;
- (b) the procedure for the cancellation of leases and contracts under section 8;
- (c) the form and the manner in which the statement of claim shall be filed by an intermediary under section 11 and the particulars it should contain;
- (d) the number of instalments and the manner in which the compensation shall be paid under this Act;
- (e) the procedure to be followed in depositing the amount of compensation money with a bank or other authority under this Act;
- (f) the procedure to be followed in placing the amount of compensation money at the disposal of the Court or other authority under this Act;



- (g) the conditions subject to which interim compensation may be given;
- (h) the mode of service of any notice or document to be served under this Act;
- (i) the procedure for deciding questions regarding birs and forests under this Act;
- (j) any other matter which is to be or may be prescribed.

#### THE SCHEDULE

(1). *Every intermediary to be treated as a separate unit.*—For purposes of assessment of compensation under this Act, every intermediary shall be treated as a separate unit:

Provided that, in the case of a joint Hindu family,

- (a) a father with his male lineal descendents in the male line of descent shall be deemed to be one unit where the father was alive on the date of vesting;
- (b) except as provided under clause (a) every other member of a joint Hindu family shall be treated as a separate unit.

*Explanation.*—Notwithstanding any partition made on or after the 1st day of June, 1952, a family shall be deemed to be joint.

2. *Basic year.*—The expression “basic year” means the agricultural year immediately preceding the agricultural year in which the date of vesting falls.

3. *Calculation of gross income.*—The gross income of an intermediary shall be the total income from his estate under the following heads—

- (a) revenue or rents including cesses and local rates payable for the basic year by or on behalf of the under-proprietors, tenants of all classes, grantees at a favourable rate of rent, sub-tenants or grove holders;
  - (i) in cash; or
  - (ii) where the rent is payable in kind or partly in cash and partly in kind, the valuation at the sanctioned appropriate village rates fixed by the Rent-Rate Officer immediately preceding the date of vesting;
  - (iii) where revenue or rent payable has not been determined, the revenue or rent determined at the village rates fixed by the Rent-Rate Officer and sanctioned by the Government immediately preceding the date of vesting;
- (b) the valuation at village rates—
  - (i) of *niji-jot* or *Khudkasht* land of the intermediary, and
  - (ii) of any grove or bir land held by the intermediary;
- (c) *sayar* including income from ground rent for house sites, waste lands, hats, bazaars, quarries, fisheries, birs, mines and irrigation fees from private tanks, calculated on the basis of an average of 12 agricultural years immediately preceding the date of vesting;

(d) income from forests and grazing fees calculated on the basis of an average of 20 agricultural years immediately preceding the date of vesting.

4. *Calculation of net income.*—The net income of an intermediary shall be calculated by deducting from his gross income—

(a) any sum which was payable by him in the basic year to the State Government or, in the cause of an under-proprietor, to the Istimrardar or Jagirdar on account of land revenue, quit rent, rent, cesses, local rates, chaudi-kidari dues, or any other customary dues in respect of the estate acquired under this Act;

(b) an amount in lieu of the cost of management and the irrecoverable arrears of rent together equivalent to 20 per cent. of the total gross income calculated under paragraph 3.

(c) income-tax payable on the income from mines and forests.

5. The amount of compensation to an intermediary shall be payable at the following scale:

No.	Categories of the intermediaries according to net income	Multiples of net income
1	2	3
1.	If the net income does not exceed Rs. 25/-	15 times of the net income.
2.	If the net income exceeds Rs. 25/- but does not exceed Rs. 50/-	12½ times of the net income, (but the compensation payable shall not be less than the highest amount payable to No. 1).
3.	If the net income exceeds Rs. 50/- but does not exceed Rs. 100/-	10 times of the net income, (but the compensation payable shall not be less than the highest amount payable to No. 2).
4.	If the net income exceeds Rs. 100/- but does not exceed Rs. 500/-	8 times of the net income, (but the compensation payable shall not be less than the highest amount payable to No. 3).
5.	If the net income exceeds Rs. 500/- but does not exceed Rs. 1000/-	7½ times of the net income, (but the compensation payable shall not be less than the highest amount payable to No. 4).
6.	If the net income exceeds Rs. 1,000/- but does not exceed Rs. 2,000/-	7 times of the net income, (but the compensation payable shall not be less than the highest amount payable to No. 5).
7.	If the net income exceeds Rs. 2,000/- but does not exceed Rs. 3,500/-	6 times of the net income, (but the compensation payable shall not be less than the highest amount payable to No. 6).
8.	If the net income exceeds Rs. 3,500/- but does not exceed Rs. 5,000/-	5 times of the net income, (but the compensation payable shall not be less than the highest amount payable to No. 7).
9.	If the net income exceeds Rs. 5,000/- but does not exceed Rs. 10,000/-	4 times of the net income, (but the compensation payable shall not be less than the amount payable to No. 8).
10.	If the net income exceeds Rs. 10,000/-	3 times of the net income, (but the compensation payable shall not be less than the highest amount payable to No. 9).

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### STATEMENT OF OBJECTS AND REASONS

The Ajmer State Legislative Assembly passed a resolution and a committee of the House was appointed to submit a report regarding the abolition of intermediaries between the actual tillers of the soil and the State, in the State of Ajmer, and the payment of compensation to such intermediaries. The present Ajmer Abolition of Intermediaries and Land Reforms Bill, 1955, is based on the report submitted by the said committee. Similar legislation has now taken place in most other States in the country.

2. The Bill provides not only for the abolition of intermediaries and payment of compensation to them but also for certain measures of land reform consequent on such abolition. There is provision in the Bill for allotment of land for personal cultivation to intermediaries whose estates have been acquired. There will be only two tenures hereafter, namely, Bhumidhars and Kashtkars instead of the numerous proprietary and tenancy rights existing at present. The intermediaries to whom land will be allotted as above as well as the existing rent-fee grantees and grantees at favourable rent, ex-proprietary, occupancy and hereditary tenants and sub-tenants who have been in possession for three years or more will according to the provisions of this Bill become Bhumidhars of the land in their possession direct from the Government and will pay rent to the Government at appropriate village rates.

3. Provision has also been made in the Bill for cooperative farming.

BRIJ MOHAN LAL SHARMA,

Minister-in-Charge.

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G. S. GAITONDE,

Secretary to Govt. Ajmer.

